IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 279 OF 2006

Sriselam Mahamalya Sonwe ...Applicant.

V/s

The State of Maharashtra
and anr. ...Respondents.

Mr. H.K. Prem with Priyanka Vegad for the applicant.

Ms. S.D. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 7th February 2006

P.C.:

1. The applicant was arrested by the Officers of the Powai Police Station on 3/12/2005 for having committed the offence punishable under section 7(1) and 16 of the Prevention of Food Adulteration Act and also under sections 272, 290, 420 read with section 34 of the Indian Penal Code.

2. The prosecution case is that the Officers of the Powai Police Station apprehended the applicant in his hut and he was found to be mixing water in the milk which was to be supplied to the consumers in the market. The applicant is in jail since 3/12/2005.

3. It is a settled position in law that a complaint under the Food Adulteration Act normally has to be filed by the Officer who is designated under the Prevention of Food Adulteration Act. In any case, the applicant is not likely to abscond. The investigation is over and the applicant has a fixed place of residence. The applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. The applicant may initially furnish cash bail of Rs 5000/- and, thereafter, within four weeks furnish the surety.

4. Application is accordingly disposed of.

V.M. KANADE, J.